

VILLAGE OF BREWSTER

BOARD OF TRUSTEES

October 16, 2013

**Regular Meeting**

Minutes

The Board of Trustees of the Village of Brewster held a Regular Meeting at 7:30PM on October 16, 2013 at Village Hall, 50 Main Street, Brewster, New York 10509.

Attendees:

Mayor: James Schoenig

Deputy Mayor and Trustee: Christine Piccini

Trustees; Tom Boissonnault, Mary Bryde, Terri Stockburger

Village Engineer: John Folchetti

Village Counsel: Anthony Molé,

Clerk & Treasurer:

Village Police: John Del Gardo

Absent:

Peter Hansen

Pledge to flag.

Notation of Exits

Mayor Schoenig motions to open the regular meeting, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

**Regular Meeting**

1. Annual Caroling Parade Permit – K.C. Anderson attends on behalf of the organizing committee. Trustee Bryde asks about the time range for the permit. Last year was a 6:30 end, this application shows an end at 6:00 PM. Mayor Schoenig motions to approve the annual caroling parade permit, waiving fees, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.
2. St. Andrews Parking Request – Ms. Fiorentino attends for St. Andrews Church and explains the annual harvest bazaar is November 16, 2013 and asks that parking rules be waived on Michael Neuner for vendor parking during that day only. Placards will be provided by the church to vendors and displayed in each vehicle. Deputy Mayor Piccini motions to provide the accommodation, Trustee Boissonnault 2<sup>nd</sup> all in favor 5 to 0.
3. Monthly Reports for September, 2013
  - 3.1. Police Report - Chief Del Gardo delivers the September Police report. Trustee Bryde asks about the eastbound closing of I84 the weekend of October 19<sup>th</sup> and 20<sup>th</sup>. Chief Del Gardo said; “as with last month’s closing we will be prepared for any unusual situations. Trustee Bryde asked if we are prepared for Halloween night on Prospect Street. For safety reasons the street will be closed. Mayor Schoenig motions to accept the September Police report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0. Report included in these minutes
  - 3.2. Engineer’s Report - John Folchetti delivers the engineer’s report for September/October to date. Deputy Mayor Piccini motions to accept the engineer’s report, Mayor Schoenig 2<sup>nd</sup> all in favor 5 to 0. Report included in these minutes.
    - 3.2.1.Sewer Operator RFP Prequalification – in process
    - 3.2.2.DEP Land Transfer – Engineer and Counsel have a meeting scheduled with Paul Lenz on October 29, 2013
    - 3.2.3.DEP Maintenance Bonds – Rahul Verma, director of East of Hudson coalition is to send some documents to Counsel but not received yet.
  - 3.3. Code Enforcement Report - Joe Szilagyi delivers the Code Enforcement report for September. Deputy Mayor Piccini motions to accept the September Code Enforcement report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0. Report is included in these minutes. Mayor Schoenig explains foreclosure enforcement procedures are being reviewed to address outstanding violations.
  - 3.4. Planning Board Report - Rick Stockburger delivers the September Planning Board report. Trustee Boissonnault motions to accept the September Planning Board report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0. Report is included in these minutes.
  - 3.5. Zoning Board of Appeals Report– Richard Ruchala provided Mayor Schoenig with the September Zoning Board report earlier today. Mayor Schoenig motions to accept the September ZBA report, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0. Report is included in these minutes.

4. Court Audit – Trustee Bryde volunteers to conduct the annual Court audit and provide the results to the board for approval.
5. Designate Annexation Public Hearing – Mayor Schoenig motions to publish public notice regarding the annexation public hearing scheduled for November 20, 2013, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0. Petition included in these minutes.
6. Correspondence sent - received for September, 2013 – Mayor Schoenig motions to approve Correspondence Sent & Received for September, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.
7. *Agenda modification (addition to)* – Arthur and Santa Wagner appeared before the Board requesting modification to the water bill which billed 67,000 gallons of water. Normally they use 5,000 to 6,000 gallons a quarter. Mayor Schoenig requests to see the previous water billings the Wagner’s brought with them. Mayor Schoenig asks if there were leaks. Mayor Schoenig notes that the actual usage billed was 27,000 not 67, 000. The Wagner’s note that they are very careful with their water. The meter was checked by Domenic Consentino and found to be within 2% accuracy which is within normal tolerances. The Board can review the issue and can revisit the issue on November 6<sup>th</sup> at the regular meeting but notes that the Village relies on the water department to verify the water went through the meter and it appears that the usage are actual numbers based on actual readings. The Wagner’s do not need to attend the November 6<sup>th</sup> meeting but are welcome to attend.

8. Vouchers Payable 1 – Deputy Mayor Piccini reviewed the vouchers and found everything in order.

8.1. A	General	\$25,579.39
8.2. C	Refuse & Garbage	20,680.25
8.3. F	Water	21,729.64
8.4. G	Sewer Operations	52,725.02
8.5. H62	Tonetta Brook Retrofit	20,338.58
8.6. TA	<u>Trust &amp; Agency</u>	<u>3,849.18</u>
	<b>Total Vouchers Payable</b>	<b>\$144,902.06</b>

Mayor Schoenig motions to approve vouchers payable, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

9. Vouchers Payable 2

9.1. A	General	\$15.00
9.2. F	Water	18.00
9.3. G	<u>Sewer Operations</u>	<u>25.00</u>
	<b>Total Vouchers Payable</b>	<b>\$58.00</b>

Mayor Schoenig motions to approve vouchers payable, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

10. Other Business

- 10.1. Deputy Mayor Piccini

10.1.1. Need to notice Envision meetings through the end of the year which are changing frequency from once per week to every two weeks. Work Sessions for the Comprehensive Plan Committee meetings need to be noticed. Also there is a Comprehensive Plan Update strategic meeting and there is a proposal from PACE to run the meeting and report the results. Total of \$1,050 in expenditures will need to be authorized for the PACE proposal. Deputy Mayor Piccini makes a motion to approve expending \$1,050 for the aforementioned, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

- 10.2. Trustee Stockburger

10.2.1. Are the funds coming to us from others for the MS4 projects? Mayor Schoenig notes that all monies are being provided by others to construct the current retrofit. The Village is not paying for these retrofits (Wells Brook and Tonetta Brook).

- 10.3. Trustee Bryde

10.3.1. Is NY Alert still on line? Can we send out notifications? Mayor Schoenig says yes. But it does not have many subscribers so is of limited use.

10.3.2. Minutes for October 2<sup>nd</sup> and 16<sup>th</sup>? They will be processed when Peter Hansen returns to the office.

10.3.3. Reminder of the Ragamuffin parade on October 26<sup>th</sup> at 10AM.

- 10.4. Trustee Boissonnault

10.4.1. Can more than two board members attend the Developer Charrette? Counsel advises that it is not appropriate to attend a meeting without notice which concerns Village business. Normal procedure is to notice meetings when more than two board members intend to attend where such business is conducted.

Trustee Boissonnault suggests taping and broadcasting the charrettes for the community on the local cable channel. Mayor Schoenig motions to have Trustee Boissonnault set up procedures to record Comp Plan meetings, Deputy Mayor Piccini 2<sup>nd</sup> all in favor 5 to 0.

11. New Business

11.1. Deputy Mayor Piccini

11.1.1. The Water electronics renovations that the Superintendent communicated; is there any action needed? Mayor Schoenig will double check but believes the existing budget allows for this work to be done.

11.2. Trustee Boissonnault

11.2.1. Likes the idea of a “Welcome to the Village” pamphlet and proposes we follow up on creating an informational brochure for new residents and realtors/chamber of commerce for distribution to prospective businesses and residents. There is a lot of useful information that could be included.

12. Public Comment

12.1. Rick Stockburger commented that the sign in the cross walk is battered. Also, there is parking available in the Village of Brewster – how do we market this?

13. Mayor Schoenig motions to adjourn, Trustee Bryde 2<sup>nd</sup> all in favor 5 to 0.

**VILLAGE OF  
BREWSTER POLICE  
DEPARTMENT  
MONTHLY REPORT**

**September 2013**

**POLICE CHIEF  
John Del Gardo**

# VILLAGE OF BREWSTER POLICE DEPARTMENT

## MONTHLY REPORT

TO: Mayor James Schoenig - Board of Trustees  
FROM: Police Chief John Del Gardo  
RE: Monthly Report September 2013

TICKETS	
Uniform Traffic Tickets:	56
Parking Tickets:	87
Local Ordinance:	1

<b>TOTAL TICKETS</b>	<b>144</b>
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<b>TAXI INSPECTION</b>	<b>38</b>
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ARRESTS	
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Burglary	DelGardo
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Suspended Reg	Oliver
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<b>TOTAL ARRESTS</b>	<b>2</b>
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SECURITY VISITS PATROL	
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Sewer:	126
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Water Tank:	117
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Well Field:	54
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<b>SECURITY VISITS</b>	<b>297</b>
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FOOT PATROL	HOURS
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Main Street:	201
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M.T.A Station:	83
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Residential:	29
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<b>TOTAL HOURS</b>	<b>313</b>
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<b>911 CALLS</b>	<b>62</b>
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Walk in-Pickup Compls	29
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Court Hours	Village	32
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Court Hours	S.E.	53
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VEHICLE	
Repairs:	\$282

MILEAGE	
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7K-245	1499
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7K-246	1375
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7K-243	60
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DWI	0
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Mileage Total:	2934
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<b>Fuel:</b>	<b>415</b>
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PEO Stockburger	Tickets:	23
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PEO Gianguzzi	Tickets:	21
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Total Hours	71
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(Security Detail) 2 Officers

(Security Detail) 2 Officers

## 911 DISPATCHED CALLS – 62

**AIDED CASE – 16**

**EDP – 3**

**BURGLARY – 1 (Arrest made by Village PD)**

**ATTEMPTED BURGLARY – 1**

**DISPUTE – 3**

**DOMESTIC DISPUTE – 1**

**PERSON TRAPPED UNDER CAR – 1**

**CALL FOR HELP – 1**

**SUSPICIOUS PERSON – 1**

**VEHICLE ACCIDENT – 6**

**911 HANG UP – 9**

**ASSIST COUNTY SPCA – 1**

**ASSIST PCSO – 1**

**HARASSMENT – 1**

**CRIMINAL MISCHIEF – 1**

**LARGE CROWD – 1**

**FIRE ALARM – 2**

**BOLO – 2**

**TRAFFIC LIGHT OUT – 2**

**VEHICLE LOCK OUT – 1**

**PARKING CONDITION – 2**

**NOISE COMPLAINT – 2**

**WIRES DOWN – 1**

**INTOX PERSON – 2**

**VILLAGE OF BREWSTER POLICE**

**SELECTIVE TRAFFIC ENFORCEMENT**

**SEPTEMBER 2013**

**STOP SIGN – 3**

**SPEED – 3**

**CELL PHONE - 9**

**SEAT BELT – 0**

**D.O.T. TRUCK ENFORCEMENT – 14**

**VTL ARRESTS – 1**

**RED LIGHT – 1**

**ONE WAY STREET – 0**

**TOTAL – 31**

1. <u>GENERAL INFORMATION</u>		
Report No: 10 of 2013	Date: 10/16/2013	Contract No:
Facility Name: VOB / Wastewater Treatment Plant		
2. <u>ENGINEERS STATUS OF PROJECT</u> (Narrative description of the Upgrade Project tasks (and subtasks) undertaken by the Engineer as set forth in the Engineers Contract and Scope of Work including:		
a. Activities completed this month (attach additional pages as needed)		
<ul style="list-style-type: none"> <li>• The average daily flows at the plant were 120,000 gpd in September.</li> </ul>		
<ul style="list-style-type: none"> <li>• STES ordered new non-potable water pumps and local alarm for pump chamber.</li> </ul>		
b. Status of activities in progress this month (attach additional pages as needed):		
<ul style="list-style-type: none"> <li>• Scales Industrial is preparing a summary report with findings, recommendations and conclusions using data collected from CMF performance tests. Information will be used to optimize existing CMF compressor operations and to size replacement compressors when the need arises.</li> </ul>		
<ul style="list-style-type: none"> <li>• STES removed mudwell pumps following high level alarm; pumps sent to Vendor for trouble shooting.</li> </ul>		
<ul style="list-style-type: none"> <li>• STES will evaluate CMF Units 1 and 3 and make recommendations for additional membrane module purchase/replacement.</li> </ul>		
c. Activities scheduled (attach additional pages as needed):		
<ul style="list-style-type: none"> <li>• Replace non-potable water pumps and install an alarm in the pump chamber.</li> </ul>		
<ul style="list-style-type: none"> <li>• Conduct an evaluation of alternative air compressor equipment/manufacturer for the CMF Pneumatic System. The existing CMF Air Compressors, manufactured by Atlas-Copco, are beginning to require more frequent costly maintenance and unscheduled repairs. Replacing existing CMF Air compressor with new units may be more cost effective at this time.</li> </ul>		
<ul style="list-style-type: none"> <li>• Continue ordering equipment and materials for scheduled preventive and corrective maintenance work.</li> </ul>		
<ul style="list-style-type: none"> <li>• Investigate the installation of a gravity pipe system to direct additional balance water (secondary effluent) to the thickener to improve sludge thickening operation.</li> </ul>		







# September 2013 Code Enforcement Report

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VILLAGE OF BREWSTER  
50 MAIN STREET  
BREWSTER, NY 10509  
(845) 279-3760

## AUGUST 2013 SUMMARY REPORT

BUILDING FEES = \$3,258.50  
PROPERTY REGISTRATION =160.00  
SAFETY INSPECTION = 875.00  
TOTAL FOR AUGUST = \$4,293.50

PERMITS:	15
FIELD INSPECTIONS:	7
FIRE INSPECTIONS:	18
OPERATING PERMIT:	1
PROPERTY REG INSPECTIONS:	4
TOTAL COs, CCs:	11
APPEARANCE TICKETS ISSUED:	5
ORDERS TO REMEDY:	9
PROPERTY REGISTRATION PENDING:	164
STOP WORK ORDER:	0

Village of Brewster Planning Board  
David P. Kulo Jr.  
Chairman

To James Schoenig, *Mayor*  
Christine Piccini, *Trustee, Deputy Mayor*  
Mary Bryde, *Trustee*  
Teresa Stockburger, *Trustee*  
Tom Boissonnault, *Trustee*  
Peter Hansen, *Clerk & Treasurer*  
Anthony Mole, *Counsel*

**Regular Meeting September 24, 2013**

**Board Members in Attendance:**

Rick Stockburger, Acting Chairman  
Mark Anderson  
Tyler Murello  
Renee Diaz

**Board Members not in Attendance:**

David Kulo

**New Business**

- **Murello Subdivision – Center & Prospect Streets. 67.26-1-26. Site Plan Review of proposed subdivision**

VPB review of site plan from J. E. Folchetti, PE of a parcel with existing one house and a barn to be subdivided into two parcels with each having municipal water and sewer connections. Proposal would be permitted in R zone. A completed site plan including topography details, current and proposed water and sewer lines, grading and any changes to the existing retaining wall was requested.

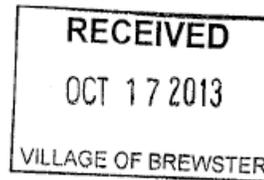
**Pending Business**

- **11 Eastview Avenue 67.26-2-15, 16 - Applicant wishes to install a 3 stop ADA elevator.**

There was discussion among the VPB as to what type of action this project should be listed under SEQR. The board approved project as an Unlisted Action under SEQR, with a negative declaration. In addition, the applicant would send out 239 notices and Public Hearing to be held on October 22, 2013.

David Kulo  
Chairman, Planning Board  
October 16, 2013

Richard Ruchala  
12 Main Street Pmb # 267  
Brewster, NY 10509  
October 15, 2013



Village of Brewster  
208 Main Street  
Brewster, NY 10509

To The Village Board of Trustees:

In the month of September two applicants applied to the Zoning Board of Appeals.

Richard Hanley for 152 Main St. looking for a variance to enclose an area to wash cars and Prospect Progress Goals, Inc. 13 and 13A Prospect St. to remove the commercial use of the property by making the entire property residential.

Sincerely

A handwritten signature in black ink, appearing to read "R. Ruchala". The signature is written in a cursive, somewhat stylized script.

Richard Ruchala  
Chairman ZBA



October 8, 2013

Village of Brewster  
Board of Trustees  
50 Main Street  
Brewster, NY 10509

Town of Southeast  
Town Board  
1360 New York 22  
Brewster, NY 10509

RE: Annexation Petition

To the Board of Trustees of the Village of Brewster and the Town Board of Southeast,

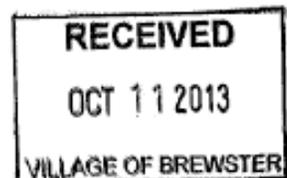
The undersigned represents Partners Management LLC. We write to submit our Petition for annexation by the Village of Brewster and thereby begin the process indicated under the various sections of New York General Municipal Law. This Petition is from the majority of the assessed valuation of real property in the territory proposed to be annexed and such has been authenticated by the Assessor of the Town of Southeast.

Based upon our reading of the governing statutes (attached hereto as EXHIBIT 1 for reference) we anticipate the following sequence of events:

FIRST, we understand that pursuant to § 704 within twenty days after the receipt of this Petition the Board of Trustees of the Village of Brewster shall cause a notice to be published in its official newspaper (or if there be no official newspaper, in a newspaper published in the county and having general circulation within the Village of Brewster area, as the case may be). We have attached a draft notice of petition attached hereto as EXHIBIT 2;

SECOND, we also understand that the Town Board for the Town of Southeast shall cause a copy of such notice to be mailed to each person or corporation owning real property in such territory as their names appear upon the register of voters for the last preceding general election;

THIRD, there shall be a hearing at the time and place posted in the Notice;



FOURTH, within ninety days after the hearing the governing board of each affected local government shall determine by a majority vote of its total voting strength whether the petition complies and whether it is in the over-all public interest to approve such proposed annexation. At the time of this determination, the governing Board shall adopt a resolution which shall include its findings;

FIFTH, each affected board shall make and sign a written order containing its determination and file copies thereof together with the corresponding documents;

SIXTH AND FINALLY, if the governing boards of the affected local governments concur then such determination shall be final and conclusive.

Based upon the aforementioned events we anticipate the following schedule:

10.09.13	Petition submitted;
10.29.13	Prior to or by; publication in the newspaper by Village of Brewster;
10.29.13	Copy of newspaper notice mailed by Southeast subject properties and to all of the districts in the territory;
11.20.13	Hearing at Village of Brewster;
1.19.13	Prior to or by; (90 days) for determination from Hearing.

In order to expedite this process, we have attached a draft Notice of Petition. We thank you in advance for your time and courtesy and remind all concerned parties that we will make ourselves available at your convenience to discuss the above and enclosed.

Respectfully yours,



Bart Lansky Esquire  
Partners Management – General Counsel and  
Minority Member

Cc Herodes & Mole  
Village Attorney – Anthony Mole  
888 Route 6  
Mahopac, NY 10541

Stephens Law Firm PLLC  
Town Attorney - Willis Stephens  
328 Clock Tower Commons  
Brewster, NY 10509

**PETITION FOR ANNEXATION BY VILLAGE OF BREWSTER AND SECESSION FROM THE TOWN OF SOUTHEAST.**

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WHEREAS, Petitioner is the owner of a property known as 13 Argonne Road, Brewster, NY 10509, which is located within the corporate boundaries of the Town of Southeast and which is bordered by property located within the corporate limits of the Village of Brewster; and

WHEREAS, Petitioner is the owner of a property known as 988 Route 22, Brewster, NY 10509, which is located within the corporate limits of the Town of Southeast and is directly across from the parcel known as 13 Argonne Road; and

WHEREAS, GTY NY Leasing Inc. is the owner of a property known as 978 Route 22, Brewster, NY 10509, which is located within the corporate limits of the Town of Southeast and is directly adjacent to the property known as 988 Route 22, Brewster, NY 10509 and directly across Argonne Road from 13 Argonne Road; and

WHEREAS, none of the above-mentioned properties (hereinafter together "the subject properties") are used for residential purposes and thus are not inhabited in a residential sense; and

WHEREAS, the subject properties appeared on the last preceding assessment roll of the Town of Southeast with the following information:

<b>Owner</b>	<b>Address</b>	<b>Tax id</b>	<b>2013 Assessment</b>
Partners Management LLC	13 Argonne Rd., Brewster, NY	68.5-2-24	\$45,700.00
Partners Management LLC	988 Route 22, Brewster, NY	68.5-2-26	\$1,000,000.00
GTY NY Leasing, Inc.	978 Route 22, Brewster, NY	68.5-2-25	\$668,000.00

and;

WHEREAS, the Village of Brewster has been identified as a "distressed area" and has created a plan to overcome the chronic unemployment and under-employment of its citizens by way of the creation of entertainment destinations and this plan specifically identifies capitalizing on the surplus capacity of its newly built wastewater infrastructure as a vehicle to promote such development; and

WHEREAS, in 1999, the Village of Brewster signed contracts with NYCDEP to rebuild the Village sewer system and to construct a wastewater treatment plant and these contracts provided that only that properties located within the Village of Brewster could be connected to this wastewater treatment plant; and

WHEREAS, the subject properties are located in a watershed area which drains into the East Branch River which flows into the Diverting Reservoir and the NYCDEP is concerned with the quantum of phosphorous entering this and other interconnected water bodies; and

WHEREAS, the Brewster Village sewer plant provides a higher level of treatment than typical individual septic systems do; and

WHEREAS, Petitioner wishes to further develop his properties for the purposes of creating an entertainment destination; and

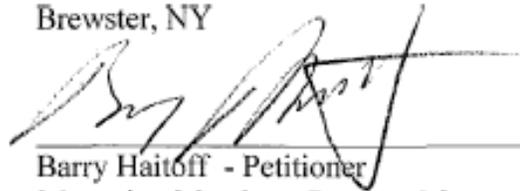
WHEREAS, connection to the Brewster Village sewer system will further enable Petitioner to achieve its goal of creating an entertainment destination; and

WHEREAS, the subject properties identified herein constitute a proposed territory to be annexed into the Village; and

WHEREAS, Partners Management LLC, is the rightful owner of a majority in assessed valuation of the real property in the above-identified territory as assessed upon the last preceding assessment roll.

NOW THEREFORE, Petitioner requests that the Village of Brewster accept the above identified properties into the Village of Brewster and the Town of Southeast allow for secession of these same properties.

October 7, 2013  
Brewster, NY

A handwritten signature in black ink, appearing to read 'Barry Haitoff', is written over a horizontal line. The signature is stylized and somewhat cursive.

Barry Haitoff - Petitioner  
Managing Member - Partners Management LLC

*(remainder of page intentionally left blank)*

State of New York ) ) ss.: County of Putnam

I Bart Lansky being duly sworn, says I reside at 11D Heritage Hills Drive, Somers, NY 10589, in the State of New York; I know each individual whose name is subscribed to the above sheet having one signature and each of them subscribed the same in my presence.

Sworn to before me this 8<sup>th</sup> day of October 2013.

  
BART LANSKY  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 02LA6185616  
Qualified in Westchester County  
My Commission Expires April 21, 2016

I Laurie Bell being duly sworn, am the Assessor for the Town of Southeast whose offices are located at 1360 New York 22, Brewster, NY 10509 and I do hereby certify that the tax identification numbers and assessment information listed above are true to the best of my knowledge.



Dated:

10/11/13

## New Laptop from Google

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## N.Y. General Municipal Law 703 - Petition for annexation

New York Laws > General Municipal > Article 17 > § 703 - Petition for annexation

Current as of 2010

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2008 version

§ 703. Petition for annexation. 1. Territory in one or more local governments adjoining one or more other local governments may be annexed to the latter pursuant to the provisions of this article. A petition for such annexation, describing the territory, stating the approximate number of inhabitants thereof, and signed (1) by at least twenty per centum of the persons residing therein, if any, qualified to vote for officers of the city or town in which such territory is situated or, if such territory is situated in a village, for officers of such village, or (2) by the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which it is situated, may be presented to the governing board or boards of the affected local government or governments in which such territory is situated and a certified copy or copies thereof to the governing board or boards of the local government or governments to which it is proposed to annex such territory 2. The petition must also be authenticated as to all the signatures upon each separate sheet by appending at the bottom of such sheet an affidavit of a witness as to the subscription thereof, substantially as follows: State of New York ) ss. County of ..... ) (name of witness) being duly sworn, says: I reside at ..... in the ..... of ..... (fill in residence) in the state of New York; I know each of the persons whose names are subscribed to the above sheet having ..... (fill in number) signatures; and each of them subscribed the same in my presence. .... (Signature of witness.) Sworn to before me this ... day of ..... 19..... (Official title of officer) 3. If the petition is signed by the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which the territory is situated, there must be attached to the petition a certificate of an assessor responsible for the preparation of such assessment roll certifying to such facts. If signed by at least twenty per centum of the qualified resident electors, as defined in subdivision one of this section, there must be attached to the petition a certificate of the board of elections of the county containing such territory, certifying to such facts.

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## Questions &amp; Answers: Municipalities

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has exponentially  
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Renters Warehouse

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## N.Y. General Municipal Law 704 - Notice of hearing on petition for annexation

New York Laws > General Municipal > Article 17 > § 704 - Notice of hearing on petition for annexation

Current as of: 2010

Check for updates

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§ 704. Notice of hearing on petition for annexation. 1. Within twenty days after the receipt of such petition, the governing board or boards of the local government or governments to which it is proposed to annex such territory and the governing board or boards of the affected local government or governments in which such territory is situated shall respectively cause a notice to be published once in its or their official newspapers, or, if there be no official newspaper, in a newspaper published in the county and having general circulation within the area of such local government or governments, as the case may be. The governing board of each affected local government in which such territory is situated also shall cause a copy of such notice to be mailed to each person or corporation owning real property in such territory as shown by the last preceding assessment roll and to all persons residing in such territory qualified to vote for officers of the city, town or village, as the case may be, in which such territory is situated as their names appear upon the register of voters for the last preceding general election.

Where the territory to be annexed is situated wholly or partly within a village, the governing board of such village and the governing board of a town or towns in which such territory is wholly or partly situated may provide by agreement for joint publication and mailing of such notice. Failure to mail such notice or failure of any addressee to receive the same shall not in any manner affect the validity of the petition or of any proceedings taken thereon. Such notice shall state that a petition for the annexation of territory to the local government or governments (naming it or them and briefly describing the territory proposed to be annexed thereto) has been received, that at a specified place in one of such local governments on a specified day not less than twenty days nor more than forty days after the publication and mailing of such notice, which place and date shall be specified therein, a joint hearing will be had upon such petition by such governing boards. Each of such governing boards shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the school authorities of any school district in which all or part of the territory proposed to be annexed is situated and, where it is proposed to annex territory to a city, to the school authorities of any school district (s) adjoining the territory proposed to be annexed and (b) located wholly or partly within such city.

2. In a case where it is proposed to annex territory in a town or towns to another local

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 government or governments, the town board or boards in which such territory is situated shall cause a copy of such notice to be mailed not less than ten days prior to the date of such joint hearing to the board of commissioners or other governing body of each fire district or other district corporation, public benefit corporation, and town improvement district operated by a separate board of commissioners, situated wholly or partly in the territory to be annexed.

3. In the event that any affected local government shall fail to publish and mail such notice as required by subdivision one of this section or in the event that the town board of a town shall fail to cause copies thereof to be mailed as required by subdivision two of this section, the governing board or boards of any other affected local government or governments, if it or they deem it to be desirable, may, during an additional twenty days following the forty day period now provided in subdivision one of this section, amend and republish its or their notices and, on behalf of such local government, town board, or both, publish and mail such notices.

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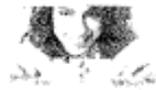
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## N.Y. General Municipal Law 705 - Hearing

New York Laws > General Municipal > Article 17 > § 705 - Hearing

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§ 705. Hearing. 1. Such governing boards shall meet at the time and place specified in such notice or amended and republished notice. The members of the participating boards shall agree on the selection of one of their members to preside at such meeting and in the event no such agreement is reached, he shall be chosen by lot. Such governing boards shall hear any testimony and receive evidence and information which may be presented concerning the petition and the question of whether the annexation is in the over-all public interest, including but not limited to testimony, evidence and information concerning the following:

- a. That a person signing the petition is not qualified therefor, or
- b. With respect to a petition, other than one purporting to be signed by owners of a majority of the assessed valuation of real property, that the persons signing such petition do not constitute twenty per centum of the persons residing within such territory qualified to vote for officers of the city, town or village, as the case maybe, in which the territory is situated, or
- c. With respect to a petition, other than one purporting to be signed by at least twenty per centum of persons qualified to vote for local officers, that the persons signing such petition do not represent the owners of a majority in assessed valuation of the real property in such territory assessed upon the last preceding assessment roll of, or utilized by, the local government or governments in which the territory is situated, or
- d. That the petition does not otherwise substantially comply in form or content with the provisions of this article, or
- e. That the proposed annexation is or is not in the over-all public interest (1) of the territory proposed to be annexed, or (2) of the local government or governments to which the territory is proposed to be annexed, or (3) of the remaining area of the local government or governments in which such territory is situated, or (4) of any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in the territory proposed to be annexed.

2. Objections based on any of the grounds set forth in paragraphs a, b, c or d of subdivision one of this section shall, in addition to the presentation of any oral testimony thereon, be submitted in writing and placed on file with the boards holding such hearing and made a part of the record thereof. Any oral testimony presented at such hearing relating to the grounds set forth in paragraph e of subdivision one of this section shall be reduced to

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writing and shall be a part of the record of such hearing. The hearing may be adjourned, but must be concluded within ten days after the date fixed in the notice. The cost of providing such record shall be shared by the affected local governments equally or on the basis of any equitable method or formula agreed upon by their governing boards.

3. In the event that the governing board of an affected local government does not participate in such hearing, the governing board or boards of the other affected local government or governments shall have power to conduct such hearing without the participation of such former governing board.

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## N.Y. General Municipal Law 711 - Determination after hearing

New York Laws > General Municipal > Article 17 > **§ 711 - Determination after hearing**

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§ 711. Determination after hearing. 1. Within ninety days after the hearing held pursuant to section seven hundred five is concluded, the governing board of each affected local government shall determine by a majority vote of its total voting strength whether the petition complies with the provisions of this article and whether, on the basis of considerations including but not limited to those relating to the effects upon (a) the territory proposed to be annexed, (b) the local government or governments to which the territory is proposed to be annexed, (c) the remaining area of the local government or governments in which the territory is situated and (d) any school district, fire district or other district corporation, public benefit corporation, fire protection district, fire alarm district or town or county improvement district, situated wholly or partly in such territory, it is in the over-all public interest to approve such proposed annexation.

2. a. At such time, each such governing board shall adopt a resolution which shall include findings with respect to compliance of the petition with the provisions of this article and with respect to the effect of such proposed annexation on the over-all public interest. In the case of a governing board which has executed any agreement described in subdivision two of section seven hundred seven or subdivision two of section seven hundred eight of this article relating to the assumption of indebtedness or other liabilities or the disposition of property rights in the event of annexation, its findings with respect to the effect of such annexation on the over-all public interest shall be based on and include the terms and conditions of such agreement to the extent applicable. Where no agreement as described herein governs the assumption of indebtedness or other liabilities or the disposition of property, such findings shall be based on and include provisions concerning such assumption or disposition prescribed in subdivision one of section seven hundred seven or subdivision one of section seven hundred eight of this article, as the case may be.

b. Each such board shall thereupon make and sign a written order accordingly containing its determination and file copies thereof, together with copies of the agreement, if any, the petition, the notice, the written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, in the offices of the clerks of all the affected local governments. In the event that the governing board of an affected local government does not make, sign and file a written order as required by this section, such governing board shall be deemed to have approved the proposed annexation as of the expiration of the ninety-day

3. A determination of a governing board of an affected local government concerning a matter described in paragraphs a, b, c or d of subdivision one of section seven hundred five of this article shall be subject to judicial review as provided in article seventy-eight of the civil practice law and rules except that it must be instituted as therein provided within thirty days after the filing of such order as required by subdivision two of this section.

4. If the governing boards of all the affected local governments shall determine either that it is or that it is not in the over-all public interest to approve the proposed annexation, such determination shall be final and conclusive.

5. If any of such governing boards, but not all, shall determine that it is not in the over-all public interest to approve the proposed annexation, certified copies of the respective orders of such boards, in addition to being filed as provided in subdivision two of this section, shall also be filed in the office of the county clerk of each county in which the territory proposed to be annexed is situated.

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**NOTICE OF PETITION:**

**PLEASE TAKE NOTICE** that On November 20, 2013, at the Brewster Village Hall located at 50 Main St. Brewster, NY 10509 there shall be a hearing regarding the Petition of Partners Management LLC to have the following properties annexed to the Village of Brewster and thereby seceded from the Town of Southeast.

1. 13 Argonne Road, Brewster, NY 10509 and identified by tax id # 68.5-2-24;
2. 978 Route 22, Brewster, NY 10509 and identified by tax id# 68.5-2-25; AND
3. 988 Route 22, Brewster, NY 10509 and identified by tax id#68.5-2-26.

At this hearing, the joint board shall hear testimony regarding and receive evidence regarding: a. the qualifications of the Petitioner, the form of the Petition and whether the proposed annexation is in the over-all public interest.

**Note:** Village will notice a Village Board of Trustees Public Hearing for November 20, 2013. The joint public hearing comment included in Exhibit 2 is not applicable.